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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/990,981 12/15/97 MURAKOSHI

S P7156-7043

EXAMINER

WM01/0924

ARENT FOX KINTNER PLOTKIN & KAHN  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 600  
WASHINGTON DC 20036-5339

KANG, P

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

09/24/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/990,981

Applicant(s)

MURAKOSHI et al.

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 57-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Examiner Nabil Hindi is no longer assigned to the present patent application. This application is now assigned to Examiner Paul H. Kang. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. See MPEP § 719.05.

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers, including a translation of said papers, have been placed of record in the file.

3. Claims 1-56 were previously cancelled. Newly added claims 57-76 are now pending.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 57-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunworth et al., US Pat. No. 5,930,474 in view of Hidary et al., US Pat. No. 5,778,181.

6. As to claims 57, 58, 65, 66, 68, 75 and 76, Dunworth teaches the invention substantially as claimed. Dunworth teaches an information acquisition apparatus for communicating with at least one information server through a communication network, such as the internet, comprising:

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reading means for reading information stored in an information recording medium;

address-information acquisition means for acquiring address information... said address information corresponding to an address of said information server provided with related information related to said information recording medium (Dunworth, col. 2, line 42 – col. 4, line 39 and col. 7, line 48 – col. 8, line 36); and

related-information acquisition means for accessing said information server based on said address information acquired by said address-information acquisition means so that said related information related to said information recording medium can be acquired from said information server (Dunworth, col. 7, line 48 – col. 8, line 36).

However, Dunworth does not explicitly teach that address-information acquisition means for acquiring address information is initiated automatically as a result of said information being read out by said reading means. In the same field of endeavor, Hidary teaches a system for incorporating and displaying retrieved integrated internet information wherein the methods of acquiring address information and accessing the remote server are performed automatically (Hidary, col. 3, lines 39-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the automatic retrieval method as taught by Hidary into the system of Dunworth since it is desirable to automate processes for enhanced user-friendliness and efficiency.

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7. As to claims 59 and 73, Dunworth-Hidary teaches display controls (Dunworth, col. 3, lines 31-45)

8. As to claims 60-62, 67, 69 and 70-71, Dunworth-Hidary teaches retrieving data over the internet by accessing a home page, data comprising audio data (Dunworth, col. 2, line 42 – col. 4, line 39 and Hidary, col. 3, lines 39-67).

9. As to claims 63 and 72, Dunworth-Hidary teaches transmitting identifying information to the server (Dunworth, col. 2, line 42 – col. 4, line 39).

10. As to claims 64 and 74, , Dunworth-Hidary teaches accessing address information when storage medium is set in a reading device (Dunworth, col. 7, line 48 – col. 8, line 36).

11. The claims have been interpreted broadly and prior art applied fairly in light of the specification and the applicant's arguments regarding the prior art of record. The definiteness of the language employed must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art during the examination of this patent application since the applicant may then amend his claims, the thought being to reduce the possibility that after a patent is granted, the claims may be interpreted as


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giving broader coverage than is justified. Therefore, applicant's arguments regarding the prior art of record are not given weight as to the patentability of the claimed subject matter.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Paul H Kang  
Examiner  
Art Unit 2152

September 19, 2001

  
**MARK H. RINEHART**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**